

**Lea Carr Mfg. Corporation and Joint Board,
Cloak, Skirt and Dressmakers' Union, a/w
International Ladies' Garment Workers Union,
AFL-CIO.** Case 1-CA-26403

August 31, 1992

DECISION AND ORDER

BY CHAIRMAN STEPHENS AND MEMBERS
DEVANEY AND RAUDABAUGH

On November 21, 1989, and February 28, 1991,¹ the National Labor Relations Board issued a Decision and Order and Supplemental Decision and Order, respectively, *inter alia*, ordering Lea Carr Mfg. Corporation to make whole certain of its unit employees for its failure to make payments on their behalf to various fringe benefit funds in violation of the National Labor Relations Act. On April 19, 1990, and November 26, 1991, the U.S. Court of Appeals for the First Circuit entered its judgment and supplemental judgment enforcing these orders of the National Labor Relations Board.

A controversy having arisen over the amounts of money owed by Respondent to the Union on behalf of its employees under the terms of the Board's Order as enforced for the period since May 26, 1990, the Regional Director for Region 1 issued a supplemental compliance specification and notice of hearing on March 31, 1992, alleging the amounts due under the Board's Order, and notifying the Respondent that it should file a timely answer complying with the Board's Rules and Regulations. Although properly served with a copy of the supplemental compliance specification, the Respondent has failed to file an answer.

By letter dated June 2, 1992, counsel for the General Counsel advised the Respondent and its attorney that no answer to the specification had been received and that unless an appropriate answer was filed by close of business June 16, 1992, summary judgment would be sought. The Respondent filed no answer.

On July 31, 1992, the General Counsel filed with the Board a Motion to Transfer Proceeding to the Board and for Summary Judgment, with exhibits attached. On August 4, 1992, the Board issued an order transferring the proceeding to the Board and a Notice to Show Cause why the motion should not be granted. The Respondent again filed no response. The allegations in the motion and in the supplemental compliance specification are therefore undisputed.

¹ 297 NLRB No. 48 and 301 NLRB 1242, respectively.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

Ruling on the Motion for Summary Judgment

Section 102.56(a) of the Board's Rules and Regulations provides that the Respondent shall file an answer within 21 days from service of a compliance specification. Section 102.56(c) of the Board's Rules and Regulations states:

If the respondent fails to file any answer to the specification within the time prescribed by this section, the Board may, either with or without taking evidence in support of the allegations of the specification and without further notice to the respondent, find the specification to be true and enter such order as may be appropriate.

According to the uncontroverted allegations of the Motion for Summary Judgment, the Respondent, despite having been advised of the filing requirements, has failed to file an answer to the supplemental compliance specification. In the absence of good cause for the Respondent's failure to file an answer, we deem the allegations in the supplemental compliance specification to be admitted as true, and grant the General Counsel's Motion for Summary Judgment. Accordingly, we conclude that the net amounts due the benefit funds is as stated in the supplemental compliance specification and we will order payment by the Respondent to the benefit funds.

ORDER

The National Labor Relations Board orders that the Respondent, Lea Carr Mfg. Corporation, Boston, Massachusetts, its officers, agents, successors, and assigns, shall make payments on behalf of its employees to the Health and Welfare Fund, the ILGWU National Retirement Fund, and the ILGWU Health Services plan, for the contractually required contributions as set forth in the compliance specification, by paying them the amount set forth below as stated in the supplemental compliance specification plus delinquency assessments, with interest to be computed in the manner prescribed in *New Horizons for the Retarded*, 283 NLRB 1173 (1987), minus tax withholdings that may be required by Federal and state laws:

Total fringe benefit funds contributions owed:
\$6,592.13.